

# Exhibit D

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ETHICON LLC, ETHICON ENDO-	)	
SURGERY, INC. and ETHICON US LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 17-871 (LPS) (CJB)
	)	
INTUITIVE SURGICAL, INC.,	)	
INTUITIVE SURGICAL OPERATIONS,	)	
INC. and INTUITIVE SURGICAL	)	
HOLDINGS, LLC,	)	
	)	
Defendants.	)	

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to paragraph 12 of the Court’s Scheduling Order (D.I. 47), Plaintiffs Ethicon LLC, Ethicon Endo-Surgery, Inc., and Ethicon US, LLC (“Ethicon” or “Plaintiffs”) and Defendants Intuitive Surgical, Inc., Intuitive Surgical Operations, Inc., and Intuitive Surgical Holdings, LLC (“Intuitive Surgical” or “Defendants”) submit the following Joint Claim Construction Chart. The parties are concurrently filing a joint appendix of the patents-in-suit and portions of the intrinsic record relied on in support of the parties’ constructions.

Each party reserves the right to rely on portions of the intrinsic record cited by the other party in the joint claim construction chart. Each party further reserves the right to rely on additional intrinsic evidence in the event it is necessary to rebut evidence and arguments made by the other party.

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**U.S. Patent No. 9,585,658:**

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
<p>opening member configured to move longitudinally to apply an opening force to said anvil at a location other than said cam surface to move said anvil into said open position (claim 1)</p> <p>opening system configured to move longitudinally to apply an opening force to said second jaw at a location other than said cam surface to move said second jaw into said open position (claim 6)</p> <p>opening member configured to move longitudinally to apply a pulling force to said anvil at a location other than said cam surface to move said anvil into said fully-open position (claim 11)</p>	<p><b><u>Construction:</u></b> Terms are not subject to 112(6). Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> 112(6)</p> <p><b>Function:</b> to move said anvil [second jaw] into open [fully-open] position by moving longitudinally to apply an opening [pulling] force to said anvil [second jaw] at a location other than said cam surface</p> <p><b>Structure:</b> closure tube with an opening for engaging a tab on the anvil</p> <p><i>Or in the alternative:</i></p> <p>outer tube configured to move the anvil [second jaw] into open [fully-open] position by moving longitudinally to apply an opening [pulling] force to the anvil [second jaw] at a location other than said cam surface</p>
<p>pulling member configured to move longitudinally to apply a pulling force to said anvil at a location other than said cam surface to move said anvil into said fully-open position (claim 14)</p>	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 658 Patent specification, including: <ul style="list-style-type: none"> <li>○ 2:43-3:24</li> <li>○ 19:10-35</li> <li>○ 20:48-21:3</li> <li>○ 29:59-30:67</li> <li>○ 31:47-32:55</li> <li>○ 35:30-36:13</li> <li>○ 39:55-41:17</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'658 patent: 20:26-21:3; 28:10-20; 30:23-29; 30:47-61; 32:29-46; 35:57-63; 41:1-13; 41:33-39; 42:61-43:5; 44:41-57; 46:3-9; 47:39-58; 51:47-56; 56:36-49; 66:50-67:36; 70:65-71:7; 72:51-57; 81:28-67; 82:20-26; 82:48-54; 88:45-65</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ Figures 1-8</li> <li>○ Figures 23-30</li> <li>○ Figures 43-50</li> <li>○ Figures 55-59</li> <li>• U.S. Pat. No. 8,322,455 specification, including: <ul style="list-style-type: none"> <li>○ 4:8-5:39</li> <li>○ 7:25-8:61</li> <li>○ 9:65-10:8</li> <li>○ Figures 2-12</li> </ul> </li> </ul>	'658 patent Figs. 2, 23-30, 44-49, 55-58, 60-62, 65-67, 71-72, 75-78, 81-84, 110-114, 144-148

**U.S. Patent No. 8,479,969:**

<b>Claim Term</b>	<b>Ethicon's Proposed Construction and Intrinsic Evidence</b>	<b>Defendants' Proposed Construction and Intrinsic Evidence</b>
A surgical tool for use with a robotic system that has a tool drive assembly that is operatively coupled to a control unit of the robotic system that is operable by inputs from an operator and is configured to provide at least one rotary output motion to at least one rotatable body portion supported on the tool drive assembly, said surgical tool comprising: (claim 24)	<b><u>Construction:</u></b> The preamble is a limitation.	<b><u>Construction:</u></b> The preamble is not a limitation.
	<b><u>Intrinsic Evidence:</u></b> <ul style="list-style-type: none"> <li>• 969 Patent specification, including: <ul style="list-style-type: none"> <li>○ Abstract</li> <li>○ 4:4-37</li> <li>○ 23:6-29</li> <li>○ 23:30-24:61 (Figs. 23, 23A, 24-25)</li> <li>○ 24:62-25:29 (Fig. 26)</li> <li>○ 25:30-26:41 (Figs. 27-30)</li> <li>○ 26:42-29:32 (Figs. 31-38)</li> <li>○ 29:33-32:4 (Figs. 37, 39-41)</li> <li>○ 32:5-37:47 (Figs. 43-47)</li> <li>○ 37:48-40:64 (Figs. 48-52)</li> <li>○ 40:65-42:11</li> <li>○ 42:12-45:56 (Figs. 53-53B)</li> <li>○ 45:57-46:10 (Figs. 59-60)</li> <li>○ 46:11-50:39 (Figs. 61-63)</li> <li>○ 50:39-51:16 (Figs. 64-65)</li> <li>○ 51:17-52:19 (Figs. 66-68)</li> <li>○ 52:20-53:67 (Figs. 69-73)</li> <li>○ 54:1-55:43 (Figs. 74-83)</li> <li>○ 55:44-65 (Fig. 84)</li> <li>○ 55:66-56:24 (Figs. 85-86)</li> <li>○ 56:25-57:67 (Fig. 87)</li> <li>○ 58:1-60:38 (Figs. 88-91)</li> </ul> </li> </ul>	<b><u>Intrinsic Evidence:</u></b> Claims 17, 18, 24

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 60:39-62:33 (Figs. 92-97)</li> <li>○ 62:34-63:55 (Figs. 98-101)</li> <li>○ 63:56-68:37 (Figs. 102-108)</li> <li>○ 68:38-70:15 (Figs. 109-121)</li> <li>○ 70:16-73:25 (Figs. 122-126)</li> <li>○ 73:26-76:56 (Figs. 127-131)</li> <li>○ 76:57-85:50 (Figs. 132-137)</li> <li>○ 85:51-86:24 (Figs. 138-139)</li> <li>○ 86:25-87:39</li> </ul>	
<p>tool mounting portion operably coupled to a distal end of said proximal spine portion (claim 24)</p>	<p><b><u>Construction:</u></b> tool mounting portion operably coupled to a proximal end of said proximal spine portion</p> <p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• See “[proximal/distal] spine portion”</li> <li>• 969 Patent specification, including: <ul style="list-style-type: none"> <li>○ 11:63-65</li> <li>○ 24:62-25:29 (Fig. 26)</li> <li>○ 25:30-26:41 (Figs. 27-30)</li> <li>○ 26:42-32:4 (Figs. 31-41)</li> <li>○ 32:5-37:47 (Figs. 43-47)</li> <li>○ 37:48-42:11 (Figs. 48-52)</li> <li>○ 42:12-45:56 (Figs. 53-58B)</li> <li>○ 46:11-47:45 (Figs. 61-62)</li> <li>○ 47:46-50:39 (Fig. 63)</li> <li>○ 50:53-51:16 (Figs. 64-65)</li> <li>○ 51:17-52:19 (Figs. 66-68)</li> <li>○ 52:20-55:4 (Figs. 69-73)</li> <li>○ 56:25-57:67 (Figs. 74 and 87)</li> </ul> </li> </ul>	<p><b><u>Construction:</u></b> tool mounting portion operably coupled to a distal end of said proximal spine portion</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>'969 patent: 30:25-31:43</p> <p>'969 patent Figs. 32-41</p> <p>Claims 14, 18, 24-28</p> <p>File History of '969 Patent: 3/08/2017 Request for Certificate of Correction; 1/23/2018 Certificate of Correction</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 60:14-25</li> <li>○ 61:26-28</li> <li>○ 62:34-63:55 (Figs. 98-101)</li> <li>○ 63:56-68:37 (Figs. 102-108)</li> <li>○ 76:57-85:16 (Figs. 132-137)</li> </ul>	
[proximal/distal] spine portion (claim 24)	<p><b><u>Construction:</u></b> structural member within [proximal/distal] portion of elongated shaft assembly</p>	<p><b><u>Construction:</u></b> discrete [proximal/distal] interior supporting member within the elongated shaft assembly</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>● 969 Patent specification, including: <ul style="list-style-type: none"> <li>○ 13:5-53 (Figs. 4-6)</li> <li>○ 16:3-32 (Figs. 7-10)</li> <li>○ 24:62-25:29 (Fig. 26)</li> <li>○ 26:42-32:4 (Figs. 31-41)</li> <li>○ 32:5-37:47 (Figs. 43-47)</li> <li>○ 37:48-42:11 (Figs. 48-52)</li> <li>○ 42:12-45:56 (Figs. 53-58B)</li> <li>○ 47:46-50:39 (Fig. 63)</li> <li>○ 50:53-51:16 (Figs. 64-65)</li> <li>○ 51:17-52:19 (Figs. 66-68)</li> <li>○ 52:20-55:4 (Figs. 69-73)</li> <li>○ 62:34-63:55 (Figs. 98-101)</li> <li>○ 63:56-68:37 (Figs. 102-108)</li> <li>○ 76:57-85:16 (Figs. 132-137)</li> <li>○ 85:51-86:24 (Figs. 138-139)</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'969 patent: 13:5-22; 16:3-45; 27:19-42; 28:26-29; 29:33-53; 30:26-31:43; 33:9-25; 33:26-61; 33:62-34:8; 38:38-39:8; 39:9-30; 43:4-40; 52:20-67; 62:34-54; 65:20-31; 77:36-52; 78:7-14; 78:35-45; 78:46-67; 79:28-36; 79:54-80:4; 80:5-21; 81:4-6; 83:24-27; 83:55-84:17; 84:27-37</p> <p>'969 patent Figs. 4-6, 31-41, 44-50, 54-55, 59-60, 69-73, 98-101, 132-136</p> <p>Claims 1, 3, 11-15, 17, 18</p>



**U.S. Patent No. 9,113,874:**

<b>Claim Term</b>	<b>Ethicon's Proposed Construction and Intrinsic Evidence</b>	<b>Defendants' Proposed Construction and Intrinsic Evidence</b>
remote[ly] user-controlled console (claims 9, 20)	<p><b><u>Construction:</u></b> remote input device operated by a user to actuate a surgical instrument supported on a manipulator such as a robotic arm</p>	<p><b><u>Construction:</u></b> Plain and ordinary meaning</p> <p><i>Or in the alternative:</i></p> <p>user-controlled unit separate from the surgical instrument that communicates with the surgical instrument</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 874 Patent specification, including: <ul style="list-style-type: none"> <li>○ 3:45-4:61</li> <li>○ 28:27-53</li> <li>○ 29:19-30:10</li> <li>○ 30:47-31:25</li> </ul> </li> <li>• U.S. Pat. No. 7,524,320 specification, including: <ul style="list-style-type: none"> <li>○ 1:37-56</li> <li>○ 6:5-6</li> <li>○ 6:29-7:21</li> <li>○ 11:56-12:23</li> </ul> </li> <li>• U.S. Pat. No. 6,783,524 specification, including: <ul style="list-style-type: none"> <li>○ 2:37-3:3</li> <li>○ 10:40-11:31</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'874 patent: 3:47-60; 3:61-4:8; 4:9-25; 4:26-37; 4:38-47; 4:48-61; 28:27-47; 28:48-53; 28:54-29:2; 29:3-30:10; 30:48-31:50</p> <p>'874 patent Figs. 54-56</p> <p>Claims 1, 16, 19, 21</p> <p>File History of '874 patent: 6/17/2015 Amendment after Notice of Allowance; 6/25/2015 Response to Amendment under Rule 312</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
Driver element supported for axial travel through the surgical end effector in response to firing motions applied thereto (claim 9)	<p><b><u>Construction:</u></b> Term not subject to 112(6). Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> 112(6)</p> <p><b>Function:</b> providing axial travel through the surgical end effector in response to firing motions  <b>Structure:</b> knife 32 with threaded opening for receiving helical drive screw 36 (Fig. 3)</p>
Driver element supported for axial travel through said end effector in response to a firing motion (claim 20)	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 874 Patent specification, including: <ul style="list-style-type: none"> <li>○ 2:61-3:31</li> <li>○ 3:45-4:61</li> <li>○ 6:58-7:9</li> <li>○ 7:31-64</li> <li>○ 8:42-64</li> <li>○ 20:1-33</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'874 patent: 3:61-4:8; 4:38-47; 7:31-64; 8:42-64; 10:20-30; 10:36-51; 10:54-61; 16:20-27; 17:1-40; 18:27-38; 18:51-19:5; 19:10-39</p> <p>'874 patent Figs. 3, 5, 6</p> <p>Claims 7, 13, 14</p> <p>File History of '874 patent: 6/17/2015 Amendment after Notice of Allowance; 6/25/2015 Response to Amendment under Rule 312</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
Reciprocable closure element configured to apply said opening and closing motions to said one of said first and second jaws (claim 9)	<p><b><u>Construction:</u></b> Term not subject to 112(6). Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> 112(6)</p> <p><b>Function:</b> to apply opening and closing motions to one of said first and second jaws  <b>Structure:</b> distal closure tube 42 and proximate closure tube 40 (Fig. 4)</p> <p><i>Or in the alternative:</i></p> <p>outer tube configured to apply said opening and closing motions to said one of said first and second jaws</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 874 Patent specification, including: <ul style="list-style-type: none"> <li>○ 2:61-3:31</li> <li>○ 3:45-4:61</li> <li>○ 6:58-7:9</li> <li>○ 11:35-12:14</li> <li>○ 19:40-67</li> <li>○ 30:48-31:18</li> </ul> </li> <li>• U.S. Pat. No. 7,842,401 specification, including: <ul style="list-style-type: none"> <li>○ 10:29-53</li> </ul> </li> <li>• U.S. Pat No. 6,783,524 specification, including: <ul style="list-style-type: none"> <li>○ 16:34-17:9</li> <li>○ 17:10-54</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'874 patent: 8:20-9:5; 11:35-12:14; 31:19-25</p> <p>'874 patent Figs. 1-6, 8-9</p> <p>Claims 16, 18</p> <p>File History of '874 patent: 6/17/2015 Amendment after Notice of Allowance; 6/25/2015 Response to Amendment under Rule 312</p>

**U.S. Patent No. 8,616,431:**

<b>Claim Term</b>	<b>Ethicon's Proposed Construction and Intrinsic Evidence</b>	<b>Defendants' Proposed Construction and Intrinsic Evidence</b>
rotatable driven element of the tool drive assembly (claims 1, 6)	<b><u>Construction:</u></b> rotatable drive element of the tool drive assembly	<b><u>Construction:</u></b> Plain and ordinary meaning
	<b><u>Intrinsic Evidence:</u></b> <ul style="list-style-type: none"> <li>431 Patent specification, including: <ul style="list-style-type: none"> <li>28:1-29:47</li> <li>63:43-61</li> <li>Figures 39-43</li> </ul> </li> </ul>	<b><u>Intrinsic Evidence:</u></b> '431 patent claims 1, 2, 4, 6, 7, 14  File History of '431 patent: 6/8/2012 Office Action 9/10/2012 Amendment 6/20/2013 Amendment Amendment after Notice of Allowance Certificate of Correction of '431 patent
wherein said rotatable driven element (claim 2)	<b><u>Construction:</u></b> wherein a rotatable driven element	<b><u>Construction:</u></b> Plain and ordinary meaning
	<b><u>Intrinsic Evidence:</u></b> <ul style="list-style-type: none"> <li>431 Patent specification, including: <ul style="list-style-type: none"> <li>28:1-29:47</li> <li>63:43-61</li> <li>Figures 39-43</li> </ul> </li> </ul>	<b><u>Intrinsic Evidence:</u></b> '431 patent claims 1, 2, 4, 6, 7, 14  File History of '431 patent: 6/8/2012 Office Action 9/10/2012 Amendment 6/20/2013 Amendment Amendment after Notice of Allowance Certificate of Correction of '431 patent

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
transmission arrangement communicating with the control unit of the robotic system (claim 1)	<p><b><u>Construction:</u></b> Plain and ordinary meaning. To the extent the Court determines that a construction would be helpful, the plain and ordinary meaning of “transmission arrangement communicating with the control unit of robotic system” is “the control unit provides a control signal that results in movement of the transmission arrangement.”</p>	<p><b><u>Construction:</u></b> The transmission arrangement exchanging electronic control signals with the control unit of the robotic system</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 431 Patent specification, including: <ul style="list-style-type: none"> <li>○ 26:35-31:31</li> <li>○ 36:32-40:54</li> <li>○ 44:48-45:16</li> <li>○ 49:31-50:24</li> <li>○ 51:31-53:40</li> <li>○ 63:17-66:58</li> <li>○ 68:23-71:40</li> <li>○ 81:21-85:22</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b> '431 patent claims '431 patent Figs. 73, 75, 144 - 149 Col. 49:15 - 53:40 Col. 79:59 – 88:20  File History of '431 patent: 6/8/2012 Office Action 9/10/2012 Amendment 6/20/2013 Amendment Amendment after Notice of Allowance Certificate of Correction of '431 patent</p>
transmission arrangement (claims 1, 6, 13)	<p><b><u>Construction:</u></b> Plain and ordinary meaning. To the extent the Court determines that a construction would be helpful, the plain and ordinary meaning of “transmission arrangement” is “an arrangement of one or more shafts and/or gears that transmits mechanical power.”</p>	<p><b><u>Construction:</u></b> “an assembly of shafts and/or gears, and other components that transmit mechanical power from a source [of rotary output motion] to a driven component”</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 431 Patent specification, including:             <ul style="list-style-type: none"> <li>○ 36:32-40:53</li> <li>○ 42:38-43:4</li> <li>○ 59:27-64</li> <li>○ 65:37-66:58</li> <li>○ 68:23-34</li> <li>○ 85:45-86:26</li> <li>○ 88:20-32</li> <li>○ Figures 56-59</li> <li>○ Figures 61-63</li> <li>○ Figure 70</li> <li>○ Figure 85</li> <li>○ Figure 86</li> <li>○ Figure 99</li> <li>○ Figures 110-114</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'431 patent claims  '431 patent Figs. 73, 75, 144 - 149  Col. 49:15 - 53:40  Col. 79:59 – 88:20</p> <p>File History of '431 patent:  6/8/2012 Office Action  9/10/2012 Amendment  6/20/2013 Amendment  Amendment after Notice of Allowance  Certificate of Correction of '431 patent</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
[first and second] control assembly operably interfacing with said elongated shaft assembly to apply said [first/second] control motion thereto (claim 6)	<p><b><u>Construction:</u></b> Term not subject to 112(6). Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> 112(6)</p> <p><b>Function:</b> operably interface with the elongated shaft assembly to apply [first/second] control motions to the elongated shaft assembly</p> <p><b>Structure:</b> Articulation system 6140, including articulation control arrangement (aka ball joint assembly) 6160, articulation drive assembly 6170, horizontal gear arrangement 6180 and vertical gear arrangement 6190, of Fig. 149,</p> <p>See also description at col. 81:48-82:2; 4; 82:30-83:25.</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 431 Patent specification, including: <ul style="list-style-type: none"> <li>○ 30:54-34:49</li> <li>○ 37:61-40:53</li> <li>○ 63:43-65:36</li> <li>○ 81:48-82:2</li> <li>○ 82:30-83:25</li> <li>○ 88:20-39</li> <li>○ Figures 43-50</li> <li>○ Figures 56-59</li> <li>○ Figures 104-107</li> <li>○ Figure 149</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'431 patent</p> <p>In addition to the specific citations noted above: <i>See generally</i> Figs. 144-149 &amp; Col. 79:59 – 88:20</p>

**U.S. Patent Nos. 8,998,058; 8,991,677; and 9,084,601<sup>1</sup>:**

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
housing (058 Patent claims 6, 11; 677 Patent claims 6, 11, 17; 601 Patent claim 1)	<b><u>Construction:</u></b> Plain and ordinary meaning.	<b><u>Construction:</u></b> A structure that both covers and supports
	<b><u>Intrinsic Evidence:</u></b> <ul style="list-style-type: none"> <li>• 058, 677, and 601 Patent specifications, including:               <ul style="list-style-type: none"> <li>○ 601 Patent Abstract</li> <li>○ 601 Patent 2:15-4:13</li> <li>○ 058 Patent 2:21-3:46</li> <li>○ 677 Patent 2:22-4:8</li> <li>○ 601 Patent 11:20-12:35 (Figs. 1-2)</li> <li>○ 601 Patent 12:36-13:3 (Fig. 3)</li> <li>○ 601 Patent 13:4-13 (Fig. 4)</li> <li>○ 601 Patent 13:14-28 (Figs. 5 and 6)</li> <li>○ 601 Patent 13:29-54 (Figs. 7 and 8)</li> <li>○ 601 Patent 13:55-14:34 (Figs. 9-10, 1, 11)</li> <li>○ 601 Patent 14:35-59 (Figs. 11-12)</li> <li>○ 601 Patent 14:60-15:2</li> <li>○ 601 Patent 17:26-18:3 (Figs. 17-21)</li> <li>○ 601 Patent 46:40-47:8</li> <li>○ 601 Patent Fig. 22</li> </ul> </li> </ul>	<b><u>Intrinsic Evidence:</u></b> <p>'058 patent: 11:21-12:15, 13:54-13:57, 17:27-17-36, 18:34-18:38, 25:10-25:20, 30:44-30:56, 35:8-35:18, 46:23-46:52, 47:55-47:67, 48:30-49:20, 54:41-55:26, 55:36-55:50, 58:7-58:25, 65:39-65:44, 66:2-66:4</p> <p>'058 patent Figs.: 1, 2, 3, 5, 7, 9, 11, 17, 24, 25, 26, 27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 49, 50, 51, 64, 65, 70, 75, 78, 89, 92, 93, 118, 119, 120, 123, 127, 130</p> <p>'677 patent: 11:54-12:46, 13:66-14:3, 17:61-18:2, 18:67-19:4, 25:42-54, 31:8-31:20, 35:37-35:47, 46:48-47:13, 48:16-48:28, 48:58-49:48, 55:4-55:56, 55:66-56:13, 58:36-58:54, 66:1-66:6, 66:32-34</p> <p>'677 patent Figs. 1, 2, 3, 5, 7, 9, 11, 17, 24, 25, 26,</p>

<sup>1</sup> The 058 and 677 Patent figures are identical to the 601 Patent figures. Further, the 058 and 677 Patent specifications are substantively identical to the 601 Patent specification except for the summaries of the invention. Thus, citations to the 601 Patent apply equally to the corresponding disclosures in the 058 and 677 Patents, and the parties reserve the right to cite corresponding disclosures in the 058/677 Patents in place of citations to the 601 Patent.



Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 601 Patent Fig. 24</li> <li>○ 601 Patent Fig. 34</li> <li>○ 601 Patent Fig. 39</li> <li>○ 601 Patent Fig. 44</li> <li>○ 601 Patent Fig. 65</li> <li>○ 601 Patent Fig. 89</li> <li>○ 601 Patent Fig. 123</li> <li>○ 601 Patent Figs. 129-130</li> </ul>	<p>27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 49, 50, 51, 64, 65, 70, 75, 78, 89, 92, 93, 118, 119, 120, 123, 127, 130</p> <p>'601 patent: 3:65-4:14, 11:56-59; 11:63-12:1; 12:4-13:28; 13:51-54; 14:10-14; 14:31-34; 17:66-18:3; 18:63-19:5; 22:22-27; 46:40-47:8; 48:5-15; 53:44-48; 65:57-66:3; 66:14-27; 77:6-11</p> <p>'601 patent Figs.: 1, 2, 3, 5, 7, 9, 11, 17, 24, 25, 26, 27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 49, 50, 51, 64, 65, 70, 75, 78, 89, 92, 93, 118, 119, 120, 123, 127, 130</p>
housing connector (058 Patent claim 6; 677 Patent claims 6, 17)	<p><b><u>Construction:</u></b> Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> A portion of the housing that mounts it to another structure</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 058, 677, and 601 Patent specifications, including: <ul style="list-style-type: none"> <li>○ 601 Patent Abstract</li> <li>○ 601 Patent 1:58-62</li> <li>○ 601 Patent 2:15-4:13</li> <li>○ 058 Patent 2:21-3:46</li> <li>○ 677 Patent 2:22-4:8</li> <li>○ 601 Patent 11:20-12:35 (Figs. 1-2)</li> <li>○ 601 Patent 12:36-13:3 (Fig. 3)</li> <li>○ 601 Patent 13:4-13 (Fig. 4)</li> <li>○ 601 Patent 13:14-28 (Figs. 5 and 6)</li> <li>○ 601 Patent 13:29-54 (Figs. 7 and 8)</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'058 patent: 16:7-18:38; 19:16-24:2; 25:10-26; 25:63-26:9; 26:56-28:21; 28:32-29:49; 30:44-56; 31:33-32:67; 35:8-34; 36:20-37:61; 38:33-39:7; 40:9-47; 42:1-30; 44:1-12; 44:25-43; 45:18-46:4; 48:30-50:5; 52:21-65; 54:41-55:62; 57:29-58:6; 58:60-59:15; 68:63-69:12; 70:24-39; 74:48-75:29; 77:56-78:32</p> <p>'058 patent Figs. 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 34, 38, 39, 43, 44, 49, 52, 53, 54, 64, 65, 78, 89, 92, 93, 123, 127, 129, 130</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 601 Patent 13:55-14:34 (Figs. 9-10, 1, 11)</li> <li>○ 601 Patent 14:35-59 (Figs. 11-12)</li> <li>○ 601 Patent 14:60-15:2</li> <li>○ 601 Patent 17:26-19:5 (Figs. 17-21)</li> <li>○ 601 Patent 20:12-56</li> <li>○ 601 Patent 24:8-35</li> <li>○ 601 Patent 24:36-30:12 (Figs. 34-38)</li> <li>○ 601 Patent 30:13-34:39 (Figs. 39-43)</li> <li>○ 601 Patent 34:40-38:17 (Figs. 44-49B)</li> <li>○ 601 Patent 39:18-31</li> <li>○ 601 Patent 40:33-56</li> <li>○ 601 Patent 40:57-41:25</li> <li>○ 601 Patent 42:25-30</li> <li>○ 601 Patent 43:48-44:5 (Figs. 57-59)</li> <li>○ 601 Patent 44:49-46:3 (Figs. 60-64)</li> <li>○ 601 Patent 46:29-48:4 (Figs. 65-74)</li> <li>○ 601 Patent 48:27-52</li> <li>○ 601 Patent 48:53-56</li> <li>○ 601 Patent 69:19-35 (Figs. 123-128)</li> <li>○ 601 Patent Fig. 14</li> <li>○ 601 Patent Fig. 22</li> <li>○ 601 Patent Fig. 24</li> <li>○ 601 Patent Fig. 25</li> <li>○ 601 Patent Fig. 26-30</li> <li>○ 601 Patent Figs. 52-54</li> <li>○ 601 Patent Fig. 75</li> </ul>	<p>'677 patent: 16:40-19:4; 19:49-24:34; 25:42-58; 26:28-41; 27:21-28:52; 28:63-30:13; 31:8-20; 31:63-33:29; 35:37-63; 36:49-38:23; 38:62-39:3640:38-41:9; 42:29-58; 44:29-40; 44:53-45:4; 45:46-46:32; 48:58-50:33; 52:49-53:26; 55:4-56:25; 57:58-58:35; 59:22-44; 69:27-43; 70:53-71:3; 75:11-59; 78:20-62</p> <p>'677 patent Figs. 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 34, 38, 39, 43, 44, 49, 52, 53, 54, 64, 65, 78, 89, 92, 93, 123, 127, 129, 130</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 601 Patent Fig. 76-79</li> <li>○ 601 Patent Fig. 89</li> <li>○ 601 Patent Fig. 92</li> <li>○ 601 Patent Fig. 93</li> <li>○ 601 Patent Fig. 129</li> <li>○ 601 Patent Fig. 130</li> </ul>	
Engagement member (601 Patent claim 1)	<p><b><u>Construction:</u></b> Plain and ordinary meaning.</p>	<p><b><u>Construction:</u></b> A protrusion that prevents longitudinal movement</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>● 058, 677, and 601 Patent specifications, including:             <ul style="list-style-type: none"> <li>○ 601 Patent Abstract</li> <li>○ 601 Patent 1:58-62</li> <li>○ 601 Patent 2:15-4:13</li> <li>○ 601 Patent 11:20-12:35 (Figs. 1-2)</li> <li>○ 601 Patent 12:36-13:3 (Fig. 3)</li> <li>○ 601 Patent 13:4-13 (Fig. 4)</li> <li>○ 601 Patent 13:14-28 (Figs. 5 and 6)</li> <li>○ 601 Patent 13:29-54 (Figs. 7 and 8)</li> <li>○ 601 Patent 13:55-14:34 (Figs. 9-10, 1, 11)</li> <li>○ 601 Patent 14:35-59 (Figs. 11-12)</li> <li>○ 601 Patent 14:60-15:2</li> <li>○ 601 Patent 17:26-19:5 (Figs. 17-21)</li> <li>○ 601 Patent 20:12-56</li> <li>○ 601 Patent 24:8-35</li> <li>○ 601 Patent 24:36-30:12 (Figs. 34-</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b></p> <p>'601 patent: 11:63-12:3; 12:36-59; 46:60-48:4</p> <p>'601 patent Figs. 3, 5, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<p>38)</p> <ul style="list-style-type: none"> <li>○ 601 Patent 30:13-34:39 (Figs. 39-43)</li> <li>○ 601 Patent 34:40-38:17 (Figs. 44-49B)</li> <li>○ 601 Patent 39:18-31</li> <li>○ 601 Patent 40:33-56</li> <li>○ 601 Patent 40:57-41:25</li> <li>○ 601 Patent 42:25-30</li> <li>○ 601 Patent 43:48-44:5 (Figs. 57-59)</li> <li>○ 601 Patent 44:49-46:3 (Figs. 60-64)</li> <li>○ 601 Patent 46:29-48:4 (Figs. 65-74)</li> <li>○ 601 Patent 48:27-52</li> <li>○ 601 Patent 48:53-56</li> <li>○ 601 Patent 69:19-35 (Figs. 123-128)</li> <li>○ 601 Patent Fig. 14</li> <li>○ 601 Patent Fig. 22</li> <li>○ 601 Patent Fig. 24</li> <li>○ 601 Patent Fig. 25</li> <li>○ 601 Patent Fig. 26-30</li> <li>○ 601 Patent Figs. 52-54</li> <li>○ 601 Patent Fig. 75</li> <li>○ 601 Patent Fig. 76-79</li> <li>○ 601 Patent Fig. 89</li> <li>○ 601 Patent Fig. 92</li> <li>○ 601 Patent Fig. 93</li> <li>○ 601 Patent Fig. 129</li> <li>○ 601 Patent Fig. 130</li> </ul>	

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
Actuator arrangement (601 patent claim 1)	<p><b><u>Construction:</u></b> Plain and ordinary meaning. To the extent the Court determines that a construction would be helpful, the plain and ordinary meaning of “actuator arrangement” is “a mechanical structure that enables movement of another mechanical structure.”</p>	<p><b><u>Construction:</u></b> Indefinite</p>
	<p><b><u>Intrinsic Evidence:</u></b></p> <ul style="list-style-type: none"> <li>• 601 Patent specification, including: <ul style="list-style-type: none"> <li>○ 601 Patent Abstract</li> <li>○ 601 Patent 2:15-4:13</li> <li>○ 601 Patent 11:20-12:35 (Figs. 1-2)</li> <li>○ 601 Patent 12:36-13:3 (Fig. 3)</li> <li>○ 601 Patent 13:4-13 (Fig. 4)</li> <li>○ 601 Patent 13:14-28 (Figs. 5 and 6)</li> <li>○ 601 Patent 13:29-54 (Figs. 7 and 8)</li> <li>○ 601 Patent 13:55-14:34 (Figs. 9-10, 1, 11)</li> <li>○ 601 Patent 14:35-59 (Figs. 11-12)</li> <li>○ 601 Patent 15:37-60</li> <li>○ 601 Patent 16:14-41 (Fig. 14)</li> <li>○ 601 Patent 38:40-39:31 (Fig. 52)</li> <li>○ 601 Patent 63:4-26</li> <li>○ 601 Patent Figs. 18-22</li> <li>○ 601 Patent Figs. 24-27</li> </ul> </li> <li>• U.S. Pat. No. 7,524,320 specification, including: <ul style="list-style-type: none"> <li>○ Title</li> </ul> </li> </ul>	<p><b><u>Intrinsic Evidence:</u></b> none</p>

Claim Term	Ethicon's Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
	<ul style="list-style-type: none"> <li>○ 5:26-34</li> <li>○ 7:1-12</li> <li>○ 8:1-18</li> <li>○ 10:45-51</li> <li>○ 13:9-24</li> <li>○ 16:6-26</li> <li>○ Fig. 1</li> <li>○ Fig. 2</li> <li>○ Fig. 4</li> <li>○ Figs. 7A-E</li> </ul>	

Tab	Document for Submission	JA No.
<b>VOLUME 1 OF 2</b>		
1	U.S.P.N. 9,585,658	JA00001 - 00200
2	U.S.P.N. 8,322,455	JA00201 - 00238
3	U.S.P.N. 8,479,969	JA00239 - 00415
4	Excerpt from the '969 File History: 3/08/2017 Request for Certificate of Correction	JA00416 - 00419
5	Excerpt from the '969 File History: 1/23/2018 Certificate of Correction	JA00420
6	U.S.P.N. 9,113,874	JA00421 - 00518
7	U.S.P.N. 7,524,320	JA00519 - 00554
8	U.S.P.N. 6,783,524	JA00555 - 00598
9	U.S.P.N. 7,842,401	JA00599 - 00605
10	Excerpt from the '874 File History: 6/17/2015 Amendment after Notice of Allowance	JA00606 - 00611
11	Excerpt from the '874 File History: 6/25/2015 Response to Amendment under Rule 312	JA00612 - 00613
<b>VOLUME 2 OF 2</b>		
12	U.S.P.N. 8,616,431	JA00614 - 00800
13	Excerpt from the '431 File History: 6/8/2012 Office Action	JA00801 - 00809
14	Excerpt from the '431 File History: 9/10/2012 Amendment	JA00810 - 00830
15	Excerpt from the '431 File History: 6/20/2013 Amendment	JA00831 - 00847
16	Excerpt from the '431 File History: 11/14/2013 Amendment after Notice of Allowance	JA00848 - 00862
17	Excerpt from the '431 File History: 12/31/2013 Certificate of Correction	JA00863
18	U.S.P.N. 8,998,058	JA00864 - 01026
19	U.S.P.N. 8,991,677	JA01027 - 01189
20	U.S.P.N. 9,084,601	JA01190 - 01352